

---

**Title: University of California Retirees Returning to Work at the Laboratory**

**Summary:**

This instruction explains the process to be used whenever a retired LANL (UC) employee seeks to return to work at LANL, either as a UC employee, as a contractor, under a task order, or under a consulting agreement or similar arrangement. Subject to the criteria in this DI, division-level managers may approve rehire of retirees, with the concurrence of the line Associate Director. [Form 2106, Justification for Returning Retirees](#), provides an administrative record under this DI.

**Applicability:**

This Director's Instruction (DI) applies to Los Alamos National Laboratory (LANL) University of California (UC) retirees ("retirees"), LANL employees who may contemplate returning to work after retirement, and LANL managers who may contemplate hiring or contracting with retirees. This instruction must be followed by managers prior to extending offers of employment to retirees. This DI is in effect on the date of issuance. It supersedes prior LANL policies, procedures, and guidance and rescinds DI 04-006.1.

Managers planning to hire or contract with a UC retiree seeking to return to work in a position covered by this DI must follow the approval process described in this DI.

This DI **does** apply to UC retirees who seek to return to work for LANL:

- as a UC employee (except as noted below).
- as a contractor .
- under a task order.
- under a consulting agreement or similar arrangement.

This DI **does not** apply to, and no additional approval is needed for, UC retirees who:

- were in place as of the date this DI 04-006.2 is issued,  
**either**
  - as a UC employee; however, if the retiree leaves UC employment and later seeks to return, or seeks an extension of time under their current assignment, this DI would apply;
  - or**
    - in a non-UC status (e.g., as a contractor) so long as they remain in the same work assignment; however, if the retiree or manager proposes a change in work assignments (e.g., on a new project, to a different group, or under an extension of time on a task order), this DI would apply.
- are Retired Laboratory Fellows.
- will perform work as an unpaid guest scientist.
- will perform work for PTLA, KSL, or Aramark.
- will perform work for companies that provide to LANL ancillary services, such as maintenance and repair (e.g., for copy machines or Qwest equipment), package delivery (e.g., UPS or FedEx), or building construction (e.g., Hensel Phelps).

- re-enter the UC retirement plan as an active employee.

### **Justification:**

LANL managers must ensure that:

- the appropriate workforce is available to perform LANL work,
- there is an appropriate transfer of knowledge when employees retire,
- work performed is work truly needed to support LANL mission and program requirements, and
- LANL meets its fiduciary responsibilities.

Additionally, this DI consolidates information regarding re-hiring returning UC retirees that is currently scattered through several LANL and UC documents. (See References, below.)

### **Instructions:**

Managers must use the following approval process to rehire or contract with UC retirees covered by this DI. However, this DI does not override standard LANL personnel or procurement processes.

**1. Approval Authority.** Through this DI, division-level or higher-level managers are given authority to approve rehire of or contracting with UC retirees, subject to written concurrence by their line Associate Director (AD). At their discretion, ADs may delegate their concurrence authority to division-level managers in their directorate. ADs may approve rehires or contracts for retirees within their directorate offices without further concurrence.

**2. True Separation from Service.** To ensure compliance with Internal Revenue Service regulations governing the UC pension plan, a retired UC employee must have a "true separation from service" before working in any capacity covered by this DI. "True separation from service" means that the employee, at the time of retirement, has no intention to return to work at LANL. The Human Resources Division Leader (HR-DL) is responsible for confirming that a true separation from service has occurred; however, in any event the separation must be at least thirty days.

**3. Business Case for Returning Retirees.** LANL division-level managers may hire or contract with UC retirees when there is sufficient justification to do so.

- Managers and employees must effectively plan for the transfer of knowledge when an individual employee is planning his or her retirement.
- Managers must consider whether there is a sound business case for the proposed action:
  - What is the goal for bringing this individual back to LANL?
  - How will knowledge be transferred or the goal otherwise carried out?
  - How long will it reasonably take to achieve the goal?
  - What are the short- and long-term impacts if the goal is not met?
- Managers are reminded that retaining UC retirees carries a business plan commitment to provide institutional infrastructure support (office space, computers, phones, etc.); however there is no express or implied commitment to the retiree that LANL provide the same office space or level of support that was in place prior to retirement.

**4. Criteria.** Division-level managers must ensure that the rehire or contracting with a UC retiree meets at least one of the following four criteria.

1. The retiree possesses unique, expert knowledge in a specialized field, leading to LANL's need for ongoing consultation services for no more than 90 days per calendar year.
2. The retiree is assigned to a specific LANL task that can be completed in one year or less.
3. The retiree is hired for the purpose of mentoring LANL employees. Mentoring is a one-time request, for up to three years.
4. The retiree is hired, for up to one year, to perform work pending:
  - a. completion of the hiring process for,
  - b. issuance of a security clearance to, or
  - c. approval of access to programs by
 the person or persons designated to fill the retiree's position or a similar position.

**5. Security Clearances for Retirees.** Managers must consider whether a retiree will need to retain a security clearance after retirement. A manager may request a 90-day extension of an employee's security clearance prior to the employee's retirement. Contact Safeguards and Security Division, Personnel Security, S-6, for more information.

**6. Procedure.** Managers must follow standard LANL procedures for personnel hires or procuring professional services, in conjunction with HR and Supply Chain Management (SUP) Divisions. Managers use [Form 2106](#), *Justification for Returning Retirees*, to provide an administrative record for this procedure.

Under no circumstances may a manager commit to rehire a retiree covered by this DI, or a person contemplating retirement, before:

- the employee's retirement
- completion of a true separation from service
- division-level manager approval, and
- AD concurrence.

Prior to the retiree returning to work at LANL, the following steps must occur.

1. Requesting manager fills out Part 1, Form 2106, *Justification for Returning Retirees*.
2. Requesting manager forwards Form 2106 to HR-DL for determination that the retiree has had a true separation from service.
3. HR-DL determines whether retiree has had a true separation from service.
4. HR-DL notifies the requesting manager, Part 2, Form 2106, whether there has been a true separation from service.
  - a. Yes – manager may proceed to step 5.
  - b. No – manager may not continue unless proposed start date is changed.
5. Requesting manager documents request to rehire or contract with retiree, Part 3, Form 2106. The request must include:
  - a. The justification for the action
  - b. The annual salary formerly paid to the retiree as of the date of retirement
  - c. The salary or rate the returning retiree will receive if the request is approved
  - d. The business justification for any proposed differential between b. and c.
6. Requesting manager forwards Form 2106 to division-level manager for approval.
7. Division-level manager determines whether to proceed.
  - a. Yes – division-level manager proceeds to step 8.

- b. No – division-level manager rejects requests and returns to requesting manager.
8. Division-level manager forwards Form 2106 to AD for concurrence.
9. AD determines whether to concur.
  - a. Yes – AD proceeds to step 10.
  - b. No – AD non-concurs and returns request to division-level manager.
  - c. No – With AD non-concurrence, division-level manager rejects request and returns to requesting manager.
10. AD concurs by signing Part 4, Form 2106, and returns it to division-level manager.
11. Division-level manager approves by signing Part 4, Form 2106, and returns it to requesting manager.

When these steps have been completed, the requesting manager may proceed to work with HR and SUP divisions to complete the requested hire or contracting.

**7. Workforce Planning.** Division-level managers must include their strategy, and the status of rehiring or contracting with retirees, during their regular workforce reviews with their senior managers (AD, Deputy Director, or Director).

**8. Executive Board (EB) Notification.** HR-DL will periodically advise the EB on statistics pertaining to re-hire of UC retirees as part of the existing reports on hiring and termination and the on-going workforce reviews. This will include data on how long individual retirees have been in place in rehire or contract positions, and the type of position.

## References:

Please see also the following. In case of conflict among references or with this DI, this DI takes precedence.

- University of California Retirement Plan (UCRP), [Returning to UC Employment After Retirement](#)
- [AM 102](#), Employment Policies
- [AM 1115](#), Special Employment, Laboratory Associates
- [AM 1120](#), Special Employment, Retired Fellows
- [AM 1122](#), Special Employment, Laboratory Senior Fellows
- [AM 1201](#), Laboratory Affiliates, General Information

**Contact: Human Resources Division, Staff Relations Office (HR-SR), 7-8730**

<b>Reviewed by the Policy Office</b> <b>Name: M. Diana Webb</b>	<b>Signature</b> Signature on File	<b>Date</b> 08/22/2005
<b>Issued by the Director</b> <b>Name: Robert W. Kuckuck</b>	<b>Signature</b> Signature on File	<b>Date</b> 08/23/2005

---

This instruction will remain in effect until this information is included in the relevant implementing document or otherwise rescinded.

## Justification for Returning Retirees Form 2106

**Instructions:** This form must be used to justify hiring or otherwise procuring the services of an individual who has retired from University of California, Los Alamos National Laboratory, employment. See [DI 04-006](#), *University of California Retirees Returning to Work at the Laboratory*. Form 2106, when filled out and signed, will provide the permanent administrative record of coordination, justification, and approval for the subject action on behalf of LANL and UC. Please ensure that printed names and titles are legible, printed information and signatures are in ink, and that copies will be legible. Signatures must be by titled managers or their deputies (including duly designated "acting" managers) or as duly delegated. The requesting organization maintains this form as a record.

### Part 1 – Identification (by Requesting Manager)

Retiree's Name		Retiree's Z Number
Position(s) at time of retirement	Organization(s) at time of retirement	Date(s) of retirement
Proposed start date	Proposed organization	Proposed type (UC, contractor, etc.)
Applicable criterion proposed (See DI 04-006 for full text and applicability of criteria)	<input type="checkbox"/> <b>Criterion 1</b> – Unique knowledge (no more than 90 days per year)	<input type="checkbox"/> <b>Criterion 2</b> – Specific task (1 year or less)
	<input type="checkbox"/> <b>Criterion 3</b> – Mentoring (one-time request, up to 3 years)	<input type="checkbox"/> <b>Criterion 4</b> – Pending replacement's: <input type="checkbox"/> hiring process <input type="checkbox"/> security clearance <input type="checkbox"/> approval of programmatic access
Requesting manager; Name/organization	Signature	Date

### Part 2 – True Separation from Service Determination (by HR-DL)

The requesting manager named above requests a determination from the Human Resources Division Leader whether the UC/LANL retiree named above has had a "true separation from service."		Date request sent to HR-DL
<b>I have determined that the UC/LANL retiree named above:</b> <input type="checkbox"/> has <input type="checkbox"/> does not have		<b>a "true separation from service" from UC employment.</b>
Comments:		Date "true separation from service" would occur, if not already in effect.
HR Division Leader, Name	Signature	Date

### Part 3 – Request and Justification (by Requesting Manager)

I request approval of the following action: (may use continuation sheet)		
Salary at time of retirement:	Proposed salary or rate, and rationale (may use continuation sheet) :	
The business-case justification for this request is as follows. (may use continuation sheet)		
Requesting manager; Name/organization	Signature	Date

### Part 4 – Approval and concurrence (by division-level manager and Associate Director)

I request AD concurrence with the above action.	Division-level manager name/org:	Signature	Date
<input type="checkbox"/> <b>I Concur</b> <input type="checkbox"/> <b>I Do not concur (reason)</b>	Associate Director name/org:	Signature	Date
	<input type="checkbox"/> <b>I approve this action</b> <input type="checkbox"/> <b>I do not approve (reason)</b>	Signature	Date